

Remarks

This Amendment is responsive to the Office Action of October 25, 2005. Reexamination and reconsideration of claims 1-16 and 18-22 is respectfully requested.

Summary of The Office Action

Claims 5, 12, 13, and 18 were indicated to be allowable if rewritten in independent form.

Claim 14 was objected to for purportedly not indicating what method was claimed. Claims 15 and 16 were objected as being claims that depended on claim 14. The preamble of claim 14 has been amended to more clearly identify the method. No new matter has been added by changing the preamble.

Claims 1-4, 6-11, 17, 19, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aleksic (US 2003/0210221). Claim 11 has been amended. Claim 17 has been cancelled.

Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Aleksic in view of Mueller et al. (US 2004/0052076).

Objections to Informalities in the Claims

Claims 5, 12, 13 and 18 were objected to as being dependent upon a rejected base claim, but were identified as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Claims Patentably Distinguish Over the References

Claims 1-4, 6-11, 17, 19, and 20 were explicitly rejected under 35 U.S.C. §103(a) as being unpatentable over Aleksic. It appears other claims (e.g., 22) may also have been rejected under 35 U.S.C. §103(a) as being unpatentable over Aleksic even though the Office Action is unclear concerning these rejections. To advance prosecution Applicant will assume that the Office Action intended to reject these claims.

Independent Claim 1

Claim 1 recites a sensor that senses hue of an ambient light within a space and a light hue modulating device that projects a compensating light into the space. The compensating light interacts with the ambient light and thus “adjusts” the ambient light to a desired hue within the space.

Aleksic describes a device having a sensor that senses an amount of ambient light and/or a hue of ambient light. Aleksic also discloses a modulating device that modulates a backlight that is shone on an LCD monitor like that in a laptop computer. Aleksic does not teach projecting a compensating light that adjusts ambient light in an area. The device in Aleksic changes how the display on an LCD monitor appears by changing its backlighting. However, the device in Aleksic does not adjust the ambient light in the space. The effects produced in Aleksic would likely be limited to the LCD whose backlighting is changed. Thus, other items in the space would not benefit from having the ambient light adjusted by a device like that claimed.

Since claim 1 recites features not taught or suggested by Aleksic, claim 1 patentably distinguishes over the reference. Accordingly, dependent claims 2-13 also patentably distinguish over the reference and are in condition for allowance.

Dependent Claim 6

The Office Action mistakenly refers to claim 5 as concerning an optical modulator. Regardless of this typographic mistake, it is clear that the Aleksic reference is being asserted against claim 6. However, no passage from Aleksic is cited to support the assertion. Reviewing the reference reveals no optical modulator. For this additional reason this claim patentably distinguishes over the reference and is in condition for allowance.

Dependent Claims 7, 8, 19, 20

Claims 7 and 8 describe the light hue modulating device as being a front-lit device and a back-lit device respectively. Similarly, claims 19 and 20 describe a front-lit and back-lit hue modulating device.

In Aleksic, the device whose appearance is changed is backlit. The device whose appearance is changed by backlighting likely does not adjust the ambient light in the space in which the device is found. Thus, there is no light hue modulating device in the reference. Instead, there is a device that has its light hues modulated. In the application there is a device that is changing its environment while in the reference there is a device that is not changing its environment. Only the device is being affected. Having a back-lit device have its appearance modulated is different than having a back-lit modulating device modulate ambient light in a space (e.g., room, museum, stadium). In the reference, any modulating that occurs is likely limited to the actual device (e.g., laptop computer). In the claimed invention, the ambient light in the space in which the device is located is adjusted. These are different things. For at least this reason this claim patentably distinguishes over the reference and is in condition for allowance.

Independent Claim 14

Claim 14 was objected to in the Office Action. There is no specific rejection provided for claim 14 or for claims 15 and 16 that depend from claim 14. However, it appears that the Aleksic reference is being applied under 35 U.S.C. §103(a). Claim 14 recites a method for compensating for hue in ambient light. The method includes determining a compensating hue for a compensating light that compensates for a particular ambient light having an ambient hue and then applying the compensating light to the ambient light to yield a desired total light having a desired hue. Thus, a method having two actions is described. The method describes determining a compensating hue and applying the compensating hue to get a desired hue. This is a simple method claim for which no objection should be raised. Nevertheless, to be responsive to the Office Action and to advance prosecution the preamble has been amended.

The reference describes a device that changes the backlighting provided to a liquid crystal display like that found in a laptop computer. The reference does not describe a method for determining a compensating hue to apply to ambient light to produce a desired hue in a space. To the extent that the reference describes producing a compensating hue, that hue will be applied to the LCD, not to ambient light in a space. Thus, since claim 14 recites features not taught or suggested by the reference, claim 14 patentably distinguishes over the reference. Accordingly,

dependent claims 15-16 also patentably distinguish over the reference and are in condition for allowance.

Independent Claim 18

Claim 18 recites means for modulating the hue of the compensating light into the ambient light to yield a desired total light. As described previously, Aleksic is not concerned with modulating the hue of a compensating light into an ambient light. Thus, Aleksic fails to teach or suggest the claimed elements, leaving claim 18 in condition for allowance. Accordingly, dependent claims 19-21 also patentably distinguish over the reference and are in condition for allowance.

Dependent Claim 21

Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Aleksic in view of Mueller. As described above, Aleksic does not describe projecting a compensating light into a space to change the hue of the light in the space. Aleksic describes projecting a light onto an LCD to change how the LCD appears. This likely does not affect the overall hue of the light in the space in which the LCD is found. Mueller does not overcome this deficiency. While Mueller describes a feedback loop in an optical device, it does not describe projecting a compensating light into the space in which the optical device is found. For at least this reason claim 21 patentably distinguishes over the references and is in condition for allowance.

Independent Claim 22

Claim 22 appears to stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aleksic. As described above, Aleksic does not describe projecting a compensating light into a space to change the hue of the light in the space. Aleksic describes projecting a light onto an LCD to change how the LCD appears. This likely does not affect the overall hue of the light in the space in which the LCD is found.

Claim 22 concerns adjusting light within an area (e.g., room, stadium). Aleksic concerns adjusting the backlighting of an LCD to affect only the appearance of that LCD. Even using the broadest possible interpretation of “area”, it is hard to equate an LCD screen, which is a thing, to a space in a stadium, which is an area.

The method includes sensing properties of ambient light within the area. If the term “area” has been interpreted so broadly as to include a physical device like an LCD, then the interpretation would require sensing the light within the LCD. This makes no sense and is quite likely impossible. Aleksic does not teach sensing the light within an LCD, but around the LCD. Thus, the sensing is not “within” like the claimed sensing.

Additionally, claim 22 includes projecting compensating light into the area in which the properties of ambient light were sensed. Aleksic changes the backlighting associated with an LCD. It is unlikely that this could change the hue for light in an area like a stadium. For at least these reasons claim 22 patentably distinguishes over the reference and is in condition for allowance.

Conclusion

For the reasons set forth above, claims 1-16 and 18-22 patentably and unobviously distinguish over the references and are in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,



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